

## **FISCAL NOTE**

### **HB 3698 - SB 3898**

March 2, 2008

**SUMMARY OF BILL:** Requires an automatic continuance of a contested case hearing held pursuant to the Uniform Administrative Procedures Act upon request of the respondent until both parties certify that they are ready for the hearing to take place; authorizes either party to request the matter be set for hearing if an unreasonably amount of time has passed.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – Exceeds \$100,000**

**Increase Local Expenditures\* – Exceeds \$100,000**

**Decrease State Revenue – Exceeds \$100,000/One-Time**

**Decrease Local Revenue – Exceeds \$100,000/One-Time**

#### Assumptions:

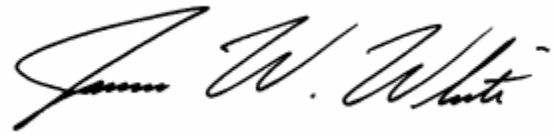
- Enactment of the bill could result in delay of the disposition of contested cases as the respondent would always be able to receive a continuance of the first scheduled hearing.
- According to the Department of Safety, approximately 8,000 asset forfeiture cases involving property are heard each year with approximately 6,400 cases involving vehicles. Of this number, 700 vehicles are seized by the department. The department estimates that such cases would be extended an average of six months. Storage of these vehicles would be maintained for longer periods of time resulting in increased costs to the department. Such increase in costs would depend on the number of vehicles seized, the length of time each vehicle would be held, the number that would be stored at commercial facilities, and the additional cost per day for storage of each vehicle. Such costs cannot be determined but can be reasonably estimated to exceed \$100,000 annually.
- In addition, local governments would also incur increased storage costs due to in excess of 5,000 vehicles that could require storage for up to six months. Such costs cannot be determined but can be reasonably estimated to exceed \$100,000.
- There would also be a one-time deferral of revenues to state and local governments due to the delay in the forfeiture awards. Such loss of

revenue cannot be determined but can be reasonably estimated to exceed \$100,000 in the first year.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director

/rct